

AB:AP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

LUIS NEFTALY ROJAS CUEVAS,

Defendant.

P R E - A R R A I G N M E N T
C O M P L A I N T

(21 U.S.C. §§ 952(a) and 960)

No. 23-MJ-185

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EASTERN DISTRICT OF NEW YORK, SS:

Ryan Shipley, being duly sworn, deposes and states that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

On or about February 22, 2023, within the Eastern District of New York and elsewhere, the defendant LUIS NEFTALY ROJAS CUEVAS, together with others, did knowingly and intentionally import one or more controlled substances into the United States from a place outside thereof, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960)

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (“ICE”) and have been involved in the investigation of numerous cases involving narcotics trafficking by couriers who ingest narcotics inside their bodies during transport. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant’s criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On February 22, 2023, the defendant LUIS NEFTALY ROJAS CUEVAS arrived in transit at John F. Kennedy International Airport (“JFK”) in Queens, New York aboard Delta Airlines flight number 1829 from Santo Domingo, Dominican Republic. ROJAS CUEVAS had two separate connecting flights booked for later that evening on Delta Airlines to Rome, Italy and London, United Kingdom. ROJAS CUEVAS was traveling alone and was in possession of a Spanish passport. ROJAS CUEVAS was selected for an enforcement examination by United States Customs and Border Protection (“CBP”) officers. CBP officers conducted a baggage examination of ROJAS CUEVAS’ luggage. CBP officers noted conflicting answers and nervous behavior during their interaction with ROJAS CUEVAS. CBP officers also noted prior irregular travel patterns including the two connecting flights later that evening.

3. The defendant LUIS NEFTALY ROJAS CUEVAS consented to an x-ray exam and was transported to the JFK medical facility where the exam confirmed the presence of foreign bodies inside ROJAS CUEVAS. On February 23, 2023, ROJAS CUEVAS passed multiple pellets in three separate bowel movements. In the first bowel movement, ROJAS CUEVAS passed approximately 19 pellets. In the second bowel movement, ROJAS CUEVAS

passed approximately 30 pellets. In the third bowel movement, ROJAS CUEVAS passed approximately 10 pellets. After each of the bowel movements, officers probed one of the pellets, which contained a white powdery substance that field-tested positive for cocaine.

4. The defendant LUIS NEFTALY ROJAS CUEVAS was subsequently placed under arrest for importation of a controlled substance to the United States. An estimated 31 pellets remain to be passed from ROJAS CUEVAS' body. ROJAS CUEVAS will be detained at the JFK Airport medical facility until such time as he has passed all the pellets contained within his intestinal track.

WHEREFORE, your deponent respectfully requests that the defendant LUIS NEFTALY ROJAS CUEVAS be dealt with according to law.

Ryan Shipley 02/24/2023

Ryan Shipley
Special Agent, United States Department of
Homeland Security, Homeland Security
Investigations

Sworn to before me this
24 day of February, 2023

S/Cheryl L. Pollak

THE HONORABLE CHERYL L. POLLAK
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK